February 6, 2018

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in scheduled session on February 6, 2018 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Scott Schilling and David Siemon. Also present were Auditor Rebecca Krein and States Attorney Jamie Hare.

Chairperson Schilling called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

Holgard moved and Houck seconded that the minutes of the meeting of January 18th, 2018 be approved. Voting Aye: 4; Nay: 0. The motion was adopted.

**CLAIMS APPROVED:**

Siemon moved and Houck seconded that the following claims be paid. Voting Aye: 4; Nay: 0.The motion was adopted.

**COMMISSIONERS:** City ofMobridge-water service @324 5th Ave W, $10.50; City of Mobridge-water service @306 2nd Ave W, $10.50; SDMLWorkers Compensation-Workers Comp, $166.85; Selby Record-Official Proceedings, $419.87

**AUDITOR:** Cardmember Service-Postage Service, $6.25; Cardmember Services-Office Forms, $26.13; Cardmember Services-Postage, $26.08; Connecting Point-Offsite Backup, $105.00; Midcontinent-Internet Service, $14.38; Quill-Attendance Card, $65.70; SDML Workers Compensation-Workers Comp, $219.41

**TREASURER:** Cardmember Services-Postage Service, $6.25; Cardmember Services-Postage, $257.71; Connecting Point- Offsite Backup, $105.00; Midcontinent- internet service, $14.38; SDML Workers Compensation-Workers Comp, $274.25

**STATES ATTORNEY:** Brenda Detoy-Mileage, $17.64; Cardmember Services-Postage Service, $6.25; Desirae Beck-Subpoena & Mileage, $37.64; Midcontinent- Internet Service, $14.38; Mobridge Regional Hospital-B/A Draws, $276.00; SD Dept. of Rev-BAC Testing, $595.00; SDML Workers Compensation- Workers Comp, $210.61; WRT-Jan Phone: Mob Shop, $37.10

**COURT APPT ATTY:** Dakota Plains Legal Services-Harold Red Owl, Jr, $966.00; 63010007, $590.50; 63010029, $631.50; Hoffman Law-Randal Brave Bull, $964.85; Sylvia Strongheart, $316.85; Mark Kroontje-Jason Gorsuch, $218.95; Jonathan Spotted Horse, $343.40; Joshua Iron Cloud, $108.65; Eric Warren, $239.27; Dominique Raba, $228.83; Serr Law Firm-Services & Fees 63000188, $47.00

**COURTHOUSE:** Allied Climate Prof-Heater Repairs, $3784.25; Cam Wal-Fluorescent Tubes, $176.00; Cardmember-Heat Tape, $199.99; Key Fobs, $36.87; City of Selby- Water Service, $92.33; Clark Engineering- Roof Project, $120.00; Cole Papers-Cleaner, $41.09; Hase Plumbing-Men’s 3rd floor restroom, $339.29; Heartland Waste-Jan Garbage, $105.00; JDH Construction-Courthouse Roof Project, $36,290.00; Menards-Supplies, $150.72; Mobridge Hardware-Supplies, $49.75; MDU-Jan Electric, $771.05; Jan Natural Gas, $1071.32; Rodgers Hardwood Floors-Courtroom Floor Repair, $280.00; Schilling Excavation-July & Nov Lawn Care, $1550.00; SDML Workers Compensation- Workers Comp, $1012.78; Web Water Bottling-Water Rental, $96.75

**DOE:** Arrowwood Resort- Lodging: Pudwill, $91.95; Cardmember Services- Postage Service, $6.25; Postage, $48.74; Connecting Point- Offsite Backup, $105.00; Midcontinent-Internet Services, $14.38; SDAAO- Dues: Kahl & Pudwill, $150.00; SDML Workers Compensation- Workers Comp, $1673.16

**REGISTER OF DEEDS:** Cardmember Services- Postage Service, $6.25; Postage, $45.64; Connecting Point- Offsite Backup, $105.00; Hal Systems Corp- Software Maintenance, $292.00; Midcontinent- Internet Services, $14.37; Proglo LLC- Microfilm Processing, $62.63; SDML Workers Compensation- Workers Comp, $233.78

**VET SERVICE OFFICER:** SDML Workers Compensation- Workers Compensation, $43.70

**SHERIFF:** AT&T Mobility- Cell Phone Service, $833.44; Cardmember Services-Postage Service, $6.25; Postage, $54.16; Clinical Laboratory of the Black Hills- Forensic Autopsy, $1685.00; Midcontinent-Internet Services, $14.37; Pennington Co Jail-Transport: E. Warren, $132.65; Rees Communications-Battery, $69.00; SDML Workers Compensation- Workers Comp, $1972.32; Selby Auto Sales-Oil Change & Tire Rotation, $74.96; Selby Oil Company- Maintenance & Repairs, 38.00; Serr Law Firm- Services & Fees, $235.00; UPS- Request for proof of delivery, $10.00; Valley Motors-2013 Ford Repairs, $383.49; Venture Com- Internet & Phone Service, $284.35; Western Com- Radio Maintenance, $21.60

**JAIL:** Bob Barker-Supplies, $181.01; Personal Care, $215.41; Cardmember Services- Personal Care, $40.91; OTC, $23.00; Groceries, $226.74; Cleaning Supplies, $113.25; Cash-Wa- Groceries, $908.68; City of Selby-Water Services, $139.89; Dady Drug-Hair Clippers, $36.88;Family Pharmacy- 2 Epinephrine Pens, $310.30; 63010091, $83.33; 63010069, $2.92; Merkel’s Foods- Groceries, $304.15; Mobridge Regional Hospital- Jail Medical 63010027, $98.23; Jail Medical 63010091, $98.23; MDU- Electricity, $1070.02; Natural Gas, $339.77; Phoenix Supply- Supplies, $195.00; Reliance Telephone-Inmate Phone Cards, $1000.00; Robert Carlson- Shower Repairs, $1040.00; SDML Workers Compensation- Workers Comp, $10,427.51; Stoick’s Food Center- Groceries, $34.81; The Support Circle-Services & Fees, $175.00; Venture Com-Internet &Phone Service, $284.35

**EMERGENCY & DISASTER:** AT&T Mobility-Cell Phone Service, $68.32; Rebecca Krein-Mileage Expense, $17.64; Meal Expense, $12.00; Midcontinent Com- Internet Services, $7.19; SDML Workers Compensation-Workers Comp, $22.91; Selby Record-Job Ad, $18.00

**SUPPORT OF POOR:** A&B Business-Office Supplies, $4.79; Cardmember Services-Postage Service, $6.24; SDML Workers Compensation-Workers Comp, $42.51

**MENTAL ILLNESS BOARD:** Taliaferro Law Firm-Services, $305.50

**HISTORICAL MUSEUM:** Klein Foundation Inc- 2018 Allocation, $4500.00

**EXTENSION:** A&B Business-Office Supplies, $4.80; Brenda Detoy- Cloverbuds & Sports Mobridge, $35.28; Cardmember Services-Postage Services, $6.25; Midcontinent Com-Internet Services, $14.37;SDML Workers Compensation- Workers Comp, $38.44

**WEED CONTROL:** ASSN. of Co Weed & Pest Board- Training Registration, $35.00;AT&T Mobility- Cell Phone Service, $68.37; Midcontinent Com- Internet Services, $7.18; SDML Workers Compensation- Workers Comp, $1385.54; Selby Record- Job Ad, $18.00;Western Communications- Radio Maintenance, $8.80

**PLANNING & ZONING:** Cardmember Services- Postage, $7.20; SDML Workers Compensation- Workers Comp, $8.84

**RD & BR:** Agtegra Coop- Jan Fuel & Gas, $471.98; Beadles Chev-Lamp, $26.67; Butler Machinery- Parts, Oil, Def, $3556.40; Cardmember Services- Postage, $5.07; Central Diesel-Parts T-7, $117.36; City of Java-Water: Java Shop, $18.00; City Of Mobridge- Jan Water: Mobridge Shop, $48.43; City of Selby-Jan Water Selby Shop, $67.51; Eddie’s Truck Center- #X202020244:01; x202020359:01; GTC Auto- Supplies, $27.89; Heartland Waste-Jan Garbage, $50.00; Mobridge Gas Co- LP 410gal @ 1.47, $632.70; Mobridge Hardware- Fasteners, $2.10; MDU- Jan Electric: Selby Shop, $309.40; Jan Electric: State Shop, $28.71; Jan Electric- Mob Shop, $42.70; Newman Traffic Signs-911 Sign New Evarts, $51.75; Premier Equipment- Parts, $2.88; SDML Workers Compensation-Workers Comp, $16,081.80; Selby Auto Sales-Shop Supplies, $293.51; Selby Oil Co- Tire Repair & Balance, $50.00; Supplies, $46.00; Selby Record-Ream of Paper, $16.25; Servall- Rugs & Rags, $46.30; Shorty’s One Stop-Jan Gas Hwy, $434.95; Slater Oil- State Shop 860 @1.42, $1221.20; Java Shop 709 @1.42, $1006.78; Stoick’s Food Center- Supplies, $19.98; Valley Telco- Jan Cellphone, $39.99; Western Com- Radio Maintenance, $135.90

**SOLID WASTE:** Butler Machinery- Repair LF100, $1557.10; Cardmember Services-Swana Certification, $250.00; Postage, $12.60; Farnams Genuine- 24v Battery Charger, $719.99; Supplies, $153.52; Geotek Engineering- 2017 Ground Water Monitoring, $4320.00; Jensen Rock & Sand- 198818, $256.67; 198820, $262.97; 198821, $258.35; NCFE- 671.2 gals diesel @ 2.897/Gal, $1944.47; Runnings- Supplies, $360.88, SD Dept. of Environment- Solid Waste Surcharge, $785.00; SDML Workers Compensation- Workers Comp, $8787.68; Servall- Mat Rentals, $40.90; Shorty’s One Stop- Jan Gas LF, $72.87; Wenck Assoc- 2017 Annual Survey, $2758.80; Western Com- Radio Maintenance, $9.30

**PARTIAL PYMTS FUND:** Walworth Co. Treas. - J. Tolley 1st Half 2012, $1076.62; P. Lindskov- 2nd Half 2013, $126.93

**5 CO TV DIST FUND:** Darvin Blumhardt- Jan 2018 Rent, $150.00; FEM Electric- Electric Service, $85.66; Sid Haux- Cell Phone, $16.03; Mileage, $239.40; Performance Development Group- Feb AT&T Payment, $1200.00

**SDACO-**M&P Remittance, $154.00

As required by SDCL 6-1-10, the complete January payroll paid by department was as follows: Commissioners - $910,439.27, Auditor - $12,286.09; Treasurer - $11,137.86; States Attorney - $17,216.01; Court House - $4,900.07; Director of Equalization – $15,233.76; Register of Deeds - $9,086.41; Veterans Service Officer - $1,2063.31; Sheriff - $19,445.03; Jail - $71,459.20; Emergency & Disaster - $602.10; Poor - $904.74; Extension - $6,820.95; Weed & Pest - $546.26; Zoning – $462.27; Road & Bridge - $53,068.80; Solid Waste - $23,994.18; 5 County TV Translator District - $953.95.

**COMMISSION DISTRICT 4:**

A vote was held on the 4 candidates for Commissioner. The ballot was Marion Schlomer, Jeff Jensen, Duane Martin and Duane Mohr which resulted in a tie vote of 2-Mohr and 2-Schlomer. Krein requested a special meeting to be held on Friday February 9th to cast her vote per SDCL 3-4-4.

**ZONING:**

Siemon moved and Houck seconded to table discussion on the zoning board until there is a fifth commissioner. Voting Aye: 4; Nay: 0. The motion was adopted.

**EXECUTIVE SESSION:**

Siemon moved and Holgard seconded to enter into executive session at 9:18 a.m. per SDCL 1-25-2(3) regarding a legal matter. Voting Aye: 4; Nay: 0. The motion was adopted. Schilling declared the session ended at 9:48 a.m.

**LAWN CARE/SNOW REMOVAL:**

Holgard moved and Houck seconded to update the janitor position to include lawn care and snow removal and to purchase a lawn mower from Premier Equipment for $21,000. Voting Aye: 4; Nay: 0. The motion was adopted.

**WAGE INCREASE:**

Houck moved and Holgard seconded to approve a wage increase of $.50 for Staci Thompson for completion of probation. Voting Aye: 4; Nay: 0. The motion was adopted.

**OMITTED TAXES:**

Houck moved and Siemon seconded to add omitted building value of $157,000 to record 4429 for the 2017 pay 2018 tax bill. Voting Aye: 4; Nay: 0. The motion was adopted.

**MONTHLY TREASURERS REPORT:**

Houck moved and Siemon seconded to table the monthly report until the next meeting. Voting Aye: 4; Nay: 0. The motion was adopted.

**TAX DEED PROPERTIES:**

The board advised to proceed with taking properties that were not making payments or were behind. Houck moved and Siemon seconded to not proceed with taking the following properties that are barred by statute or are in a treasurer’s trust. Voting Aye: 4; Nay: 0. The motion was adopted.

Records 7920, 5762, 5072, 5075, 6212, 4927, 5074, 4884, 4783, 5350, 5632, 5614, 4534, 6159, 5852, 4985, and 6144.

**BANK SIGNATURE CARD:**

Siemon moved and Houck seconded to update the bank signature card to remove Aubriauna Diaz and Kelli Borth and add Ruth Van Orman and Amanda Silbernagel. Voting Aye: 4; Nay: 0. The motion was adopted.

**WEED & PEST/EMERGENCY MANAGER:**

Houck moved and Siemon seconded to approve hiring Jake Fees as Weed and Pest Supervisor/Emergency Manager at a salary of $36,000 per year. Voting Aye: 4; Nay: 0. The motion was adopted.

**HIGHWAY DEPARTMENT:**

Holgard moved and Houck seconded to sign the Community Access Grant agreement with South Dakota Department of Transportation. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to sign an agreement with Clark Engineering for the Community Access Grant. Voting Aye: 4; Nay: 0. The motion was adopted.

Simon moved and Houck seconded to approve Resolution 2018-05 a resolution to set overweight limits. Voting Aye: 4; Nay: 0. The motion was adopted.

**RESOLUTION WC 2018-05**

**RESOLUTION TO SET OVERWEIGHT LIMITS**

**WHEREAS**, the ultimate responsibility for the county roads in Walworth County rests with the Walworth County Commission; and

**WHEREAS**, the Walworth County Commission has appointed the highway superintendent as the proper highway authority, responsible for the care and maintenance of all Walworth County roads; and

**WHEREAS**, to preserve the roads in Walworth County during all seasons of the year, weight restrictions must be imposed and enforced; and

**WHEREAS**, to preserve the roads in Walworth County during the spring season, weight restrictions and/or reduced speeds must be imposed; and

**WHEREAS**, it would be beneficial to Walworth County to seek and obtain the assistance of the South Dakota Highway Patrol in enforcing load restrictions on all Walworth County roads;

**NOW THEREFORE, BE IT RESOLVED**, that the Walworth County Board of Commissioners, hereby, authorizes the Walworth County Highway Superintendent to impose, consistent with the recommendations of the South Dakota Department of Transportation and the South Dakota Highway Patrol, weight restrictions for overall vehicle weight and/or weight restrictions per axle during all seasons of the year , and to also include the reduced weight limits due to thawing and excessive moisture during the spring season. In so resolving, the commission directs the highway superintendent to post notice of weight restrictions as required by law.

**BE IT FURTHER RESOLVED**, that the Walworth County Board of Commissions requests assistance from the South Dakota Highway Patrol in the enforcement of weight restrictions in Walworth County and authorizes the Walworth County Highway Superintendent to work in conjunction with the South Dakota Highway Patrol to reduce damage to the roads in Walworth County due to overweight vehicles.

Dated this 6th day of February, 2018 at Selby, South Dakota

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Walworth County Commission Chairperson

ATTEST:

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Walworth County Auditor

(SEAL)

Holgard moved and Siemon seconded to approve agreement 2018-20-2 with SDGFP May 1, 2018- April 30, 2020 for yearly maintenance on GF&P roads. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to approve the equipment rates for 2018. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to authorize publishing the Right of Way notice. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to rescind the motion to change 144th St to West Lowry Road. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Holgard seconded to surplus the T145A Sander. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to give the T145A to the City of Selby. Voting Aye: 4; Nay: 0. The motion was adopted.

Goetz informed the board that there was a private line water break on 20th street and we won’t know if there is any damage to the road until the thaw.

**JAIL PRESENTATIONS:**

Architectural Firms EAPC, RSA and JLG presented the board with programming and schematic designs for the building project.

**EXECUTIVE SESSION:**

Holgard moved and Houck seconded to enter into executive session per sdcl 1-25-2(3) regarding a legal matter. Schilling declared the executive session ended at 1:40 p.m. Holgard moved and Houck seconded to table any decisions on architects until there are 5 commissioners. Voting Aye: 4; Nay: 0. The motion was adopted.

**ABATEMENTS:**

Houck moved and Siemon seconded to approve an abatement for record 8380 for a building on a leased site that is no longer there. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Holgard seconded to approve an abatement on record 3774 for a building on a leased site that is no longer there. Voting Aye: 4; Nay: 0. The motion was adopted.

Holgard moved and Siemon seconded to approve an abatement for record 8797 for a mobile home that is no longer there. Voting Aye: 4; Nay: 0. The motion was adopted.

Houck moved and Siemon seconded to approve an abatement for record 8798 for a mobile home that is no longer there. Voting Aye: 4; Nay: 0. The motion was adopted.

Holgard moved and Houck seconded to approve an abatement for record 8803 for a mobile home that is no longer there. Voting Aye: 4; Nay: 0. The motion was adopted.

**REFUND:**

Siemon moved and Houck seconded to approve a refund of interest and fees for record 6568 for a county error. Voting Aye: 4; Nay: 0. The motion was adopted.

**NOTICE OF INTENT:**

Holgard moved and Houck seconded to publish a notice of intent to construct and operate a restricted use site as required by the SDDENR. Voting Aye: 4; Nay: 0. The motion was adopted.

**RESOLUTION 2018-06:**

Houck moved and Siemon seconded to approve Resolution 2018-06 a resolution of approval for the development of a restricted use facility. Voting Aye: 4; Nay: 0. The motion was adopted.

RESOLUTION WC 2018-06

RESOLUTION OF APPROVAL FOR THE DEVELOPMENT OF A RESTRICTED USE FACILITY IN WALWORTH COUNTY

WHEREAS, Walworth County desires to establish a Restricted Use facility for the purpose of solid waste management; and

WHEREAS, the County has approved siting the proposed facility; and

WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and

WHEREAS, Walworth County will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR may recommend the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS. The Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Walworth County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

IT IS THEREFORE RESOLVED that the County Commission of Walworth County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

Dated this 6th day of February, 2018

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Scott Schilling

Commission Chairperson

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Rebecca Krein

County Auditor

**ADJOURNMENT:**

Siemon moved and Holgard seconded that the Board of County Commissioners adjourn until the hour of 9:00 am February 9, 2018. Voting Aye: 4; Nay: 0.

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**SCOTT SCHILLING, CHAIRPERSON**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REBECCA KREIN, AUDITOR**

Published once at the total approximate cost of $\_\_\_\_\_\_\_\_\_\_\_\_